

FILED

JAN 30 2008

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIARICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PHILIP J. GREENE Plaintiff,

v.

HAIRLEY
ASP-WARDEN Defendant.

CV 08 CASE NO.

0714

PRISONER'S
IN FORMA PAUPERIS
APPLICATIONMMC
(PR)

E-filing

I, PHILIP JASON GREENE, declare under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes No

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: 0 Net: 0

Employer: N/A

If the answer is "no," state the date of last employment and the amount of the gross and net salary and wages per month which you received. (If you are imprisoned, specify the last place of employment prior to imprisonment.)

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2. Have you received, within the past twelve (12) months, any money from any of the following sources:

- a. Business, Profession or self employment Yes
- b. Income from stocks, bonds, or royalties? Yes

- c. Rent payments? Yes No X
- d. Pensions, annuities, or life insurance payments? Yes No X
- e. Federal or State welfare payments, Social Security or other government source? Yes No X

If the answer is "yes" to any of the above, describe each source of money and state the amount received from each.

N/A

3. Are you married? Yes X No IN DIVORCE PROCEEDINGS AT THIS TIME

Spouse's Full Name: WENDY ANN GREENE

Spouse's Place of Employment: UNKNOWN

Spouse's Monthly Salary, Wages or Income:

Gross \$ _____ Net \$ APPROX. 1592.00/MONTH.

4. a. List amount you contribute to your spouse's support: N/A

\$ _____

- b. List the persons other than your spouse who are dependent upon you for support and indicate how much you contribute toward their support:

N/A

5. Do you own or are you buying a home? Yes No X

Estimated Market Value: \$ Amount of Mortgage: \$

6. Do you own an automobile? Yes No X

Make Year Model

Is it financed? Yes No If so, Total due: \$

Monthly Payment: \$ 0

7. Do you have a bank account? (If you are a prisoner, include funds in your prison account, and provide the certificate attached, signed by an officer of the prison.)

Yes No

Name(s) and address(es) of bank: N/A

Present balance(s): \$ N/A

Do you own any cash? Yes No Amount: \$ 0

Do you have any other assets? (If "yes," provide a description of each asset and its estimated market value.)
Yes No

8. What are your monthly expenses?

Rent: \$ 0 Utilities: 0

Food: \$ 0 Clothing: 0

Charge Accounts:

<u>Name of Account</u>	<u>Total Owed On</u>	
	<u>Monthly Payment</u>	<u>This Account</u>
<u>0</u>	\$ <u>0</u>	\$ <u>0</u>
<u>0</u>	\$ <u>0</u>	\$ <u>0</u>

9. Do you have any other debts? (List current obligations, indicating amounts and to whom they are payable.)

RESTITUTION OF \$155,831.18 (CA STATE BOARD OF CONTROL \$3K AND VALLEY MEDICAL CTR \$152,831.18) + IRS \$4600.00

I consent to prison officials withdrawing from my trust account and paying to the court the initial partial filing fee and all installment payments required by the court.

I declare under the penalty of perjury that the foregoing is true and correct and understand that a false statement herein may result in the dismissal of my claims.

1/22/08

DATE



SIGNATURE OF APPLICANT

RE ID: TS3030 .701

REPORT DATE: 01/10/08

PAGE NO: 1

CALIFORNIA DEPARTMENT OF CORRECTIONS
AVENAL STATE PRISON
INMATE TRUST ACCOUNTING SYSTEM
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: JUL. 10, 2007 THRU JAN. 10, 2008

TRUST ACCOUNT ACTIVITY

<< NO ACCOUNT ACTIVITY FOR THIS PERIOD >>

CURRENT HOLDS IN EFFECT

DATE	HOLD			
PLACED	CODE	DESCRIPTION	COMMENT	HOLD AMOUNT
04/24/2007	H107	POSTAGE HOLD	4296POSTAG	7.40
01/02/2008	H118	LEGAL COPIES HOLD	2867/LECO	3.50
01/07/2008	H118	LEGAL COPIES HOLD	702951LECO	2.48
01/09/2008	H109	LEGAL POSTAGE HOLD	702991LEPO	1.14

no activity

TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS	TRANSACTIONS TO BE POSTED
0.00	0.00	0.00	0.00	14.52	0.00

CURRENT
AVAILABLE
BALANCE

14.52 -

THE WITHIN INSTRUMENT IS A CORRECT
COPY OF THE TRUST ACCOUNT MAINTAINED
BY THIS OFFICE.
ATTEST: 1-10-08

ATTEST:

CALIFORNIA DEPARTMENT OF CORRECTIONS
BY C. J. dieques
TRUST OFFICE

Case Number: _____

CERTIFICATE OF FUNDS

IN

PRISONER'S ACCOUNT

I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of PHILIP J. GREENE, for the last six months at [prisoner name]

AVENAL STATE PRISON where (s)he is confined.
[name of institution]

I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$ 0 and the average balance in the prisoner's account each month for the most recent 6-month period was \$ 0 .

Dated: 1-10-08

Authorized officer of the institution

PROOF OF SERVICE BY MAIL

I THE UNDERSIGNED, CERTIFY THAT I AM OVER THE AGE OF EIGHTEEN (18) YEARS OF AGE. THAT I CAUSED TO BE SERVED A COPY OF THE FOLLOWING DOCUMENT:

ENTITLED: MOTION TO FILE NEWLY EXHAUSTED CLAIM
TO NORTHERN DISTRICT COURT

BY PLACING THE SAME IN AN ENVELOPE, SEALING IT BEFORE A CORRECTIONAL OFFICER,
AND DEPOSITING IT IN THE [UNITED STATES MAIL] AT AVENAL STATE PRISON AND ADDRESSED IT
TO THE FOLLOWING:

U.S. DISTRICT COURT
NORTHERN DISTRICT OF CA.
ATTN: CLERK OF COURT
450 GOLDEN GATE AVE. 16TH FL.
SAN FRANCISCO, CA. 94102

EXECUTED ON JANUARY, 22 08 AT AVENAL STATE PRISON, AVENAL, CALIFORNIA

I, Philip J. Greene DECLARE UNDER THE PENALTY OF PERJURY UNDER SECTION 201A
OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.


SIGNATURE OF DECLARANT

Philip J. Greene
PRINT NAME OF DECLARANT

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